

14 DEC 2005

(Substitute) PTO-1390 (Rev. 07-2005)  
Approved for use through 3/31/2007. OMB 0651-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER B1180/20039
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/540,936
INTERNATIONAL APPLICATION NO. PCT/EP04/000209	INTERNATIONAL FILING DATE 14 January 2004 (14/01/2004)	PRIORITY DATE CLAIMED 17 January 2003 (17/01/2003)
TITLE OF INVENTION BIOACTIVE CERAMIC COMPOSITE MATERIALS AND METHODS FOR THE PRODUCTION THEREOF		
APPLICANT(S) FOR DO/EO/US Martina Kühn, et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - ☐ is attached hereto (required only if not communicated by the International Bureau).
  - ☐ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - ☐ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 & 3.31 is included.
- ☐ A preliminary amendment.
- ☐ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: Express Mail transmittal letter, Response to Notification of Missing Requirements, copy of Notification of Missing Requirements and return receipt postcard

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BEST AVAILABLE COPY

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NO.	
10/540,936		PCT/EP04/000209		B1180/20039	
The following fees have been submitted:				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee ..... \$300				\$	
22. <input type="checkbox"/> Examination fee If the written opinion prepared by ISA/US of the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 All other situations ..... \$200				\$	
23. <input type="checkbox"/> Search fee If the written opinion prepared by ISA/US of the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500				\$	
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	\$	
- 100 =	/50 =		x \$250		
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130.00	
CLAIMS	NO. FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$50	\$	
Independent	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 65.00	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$ 65.00	
12/16/2005 LANDGRA 00000074 030075 10540936 01 FC:2617 65.00 DA				Amount to be refunded:	\$
				Amount to be charged:	\$ 65.00
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 03-0075 in the amount of \$ 65.00 to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-0075. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the Application to pending status.					
SEND ALL CORRESPONDENCE TO:				SIGNATURE David M. Tener	
Customer No. 03000				NAME 37,054	
				REGISTRATION NUMBER	

Rec'd PCT/EP 14 DEC 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicant(s): Martina Kühn, et al.

U.S. App. Serial No: 10/540,936

International App. No.: PCT/EP04/000209

Filed: July 15, 2005

International Filing Date: January 14, 2004

Att. Docket No.: B1180/20039

Confirmation No.:

For: BIOACTIVE CERAMIC COMPOSITE MATERIALS AND METHODS FOR THE  
PRODUCTION THEREOF

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: DO/EO/US

Sir:

In response to the December 1, 2005 "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", a copy of the Notice and a Declaration executed by the inventors are attached. Authorization to charge the small entity surcharge under 37 CFR 1.492(h) is granted in the attached Transmittal Letter.

The Declaration is compliant with 37 CFR 1.497(a) and (b), when read in conjunction with the Application Data Sheet filed July 15, 2005, which identifies the International Application Number (PCT/EP04/000209) and International Filing Date (January 14, 2004). 37 CFR §§ 1.497(c) and 1.67.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

December 14, 2005

By



David M. Tener  
Registration No. 37,054  
Customer No. 03000  
(215) 567-2010  
Attorneys for Applicants

Please charge or credit our Account No.  
03-0075 as necessary to effect entry and/or  
ensure consideration of this submission.

REC'D 14 DEC 2005

Attorney Docket No. B1180/20039

Applicants(s) : Martina Kühn, et al.  
U.S. Application Serial No. : 10/540,936  
Title : Bioactive Ceramic Composite Materials and  
Methods for the Production Thereof

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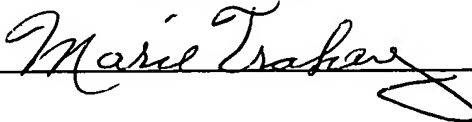
This is an international patent application, which includes the following:

1. One (1) sheet of Transmittal Letter;
2. Calculation sheet, in duplicate;
3. Response to Notification of Missing Requirements;
4. Declaration and Power of Attorney;
5. Copy of Notification of Missing Requirements; and
6. Return receipt postcard.

"Express Mail" Mailing Label No. EV 722 523 445  
Date of Deposit 14 December 2005

I hereby certify that the above-identified documents are being Deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Marie Trahey





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/540,936	Martina Kuhn	B1180/20039

INTERNATIONAL APPLICATION NO.
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PCT/EP04/00209

I.A. FILING DATE	PRIORITY DATE
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01/14/2004

01/17/2003

3000  
 CAESAR, RIVISE, BERNSTEIN,  
 COHEN & POKOTILOV, LTD.  
 11TH FLOOR, SEVEN PENN CENTER  
 1635 MARKET STREET  
 PHILADELPHIA, PA 19103-2212

RECEIVED  
 DEC 05 2005

CAESAR, RIVISE, BERNSTEIN  
 COHEN & POKOTILOV LTD

CONFIRMATION NO. 2983

371 FORMALITIES LETTER



\*OC000000017543969\*



Date Mailed: 12/01/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/15/2005
- English Translation of the IA filed on 07/15/2005
- Copy of the International Search Report filed on 07/15/2005
- Preliminary Amendments filed on 07/15/2005
- Small Entity Statement filed on 07/15/2005
- U.S. Basic National Fees filed on 07/15/2005
- Priority Documents filed on 07/15/2005
- Specification filed on 07/15/2005
- Claims filed on 07/15/2005
- Abstracts filed on 07/15/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,936	PCT/EP04/00209	B1180/20039